

STATEMENT OF THE HONORABLE ENI F.H. FALEOMAVEGA

**SENATE COMMITTEE ON INDIAN AFFAIRS
HEARING ON S.2899 – A BILL TO EXPRESS THE POLICY OF
THE UNITED STATES REGARDING THE UNITED STATES’
RELATIONSHIP WITH NATIVE HAWAIIANS**

14 SEPTEMBER 2000

Mr. Chairman:

There are well over 200,000 Native Hawaiians living in Hawaii. I suspect there are approximately another 100,000 living throughout the continental United States. In number, Native Hawaiians are the largest indigenous group of people living in the United States today.

As one of Polynesian ancestry, I thank God that the Kanaka Maoli, or the Hawaiian people, have not become an extinct race. Given the unfortunate turn of historical events that have now made Native Hawaiians strangers in their own lands, it is only by the grace of God that Native Hawaiians now number over 300,000.

Mr. Chairman, the Kanaka Maoli are my kin. For purposes of giving you a sense of who we are, I would like to share with you something Captain James Cook once noted about the Kanaka Maoli, or Polynesian, nation. Captain Cook observed that the Kanaka Maoli nation established settlements from as far north as Hawaii and as far south as Actearoa (or what is now known today as New Zealand). In between, the Kanaka Maoli settled in Samoa, in Tokelau, in Tuvalu, parts of Fiji and Tonga. The Kanaka Maoli nation also stretched as far east as Rapanui (now known as Easter Island) and constituted what Cook thought was the largest nation on the earth.

Since Cook’s time, we have had our fair share of romantic writers coming to the South Seas depicting our women coming out of the Garden of Eden on moonlit, tropical shores with the scent of romance forever in the air. We’ve also had our share of anthropologists who think they know more about us than they know about themselves. We do not need anymore Margaret Meads or Derek Freemans to describe to the world who we are as a people. We know how we first came into being. We know our past and are committed to our present. We are here today to define our future.

Mr. Chairman, as we proceed today, I would like to add this thought for the record. When we discuss the rights of Native Hawaiians, we in effect discuss the inalienable rights of any people. As such, what happened historically to Native Hawaiians in effect happened to all of us. In this context, I would like to present the following for consideration.

More than 100 years ago, ambitious descendants of U.S. missionaries and sugar planters, aided by the unauthorized and illegal use of U.S. military forces, overthrew the sovereign nation of Hawaii then ruled by Queen Lili'uokalani. More than one hundred years, the United States Congress issued a formal apology acknowledging that the Native Hawaiian people never relinquished their right to their sovereignty or their sovereign lands.

Earlier this year, Senator Daniel Akaka, the first Polynesian and Native Hawaiian to sit as a member of this distinguished body of U.S. Senators, introduced Senate Bill 2899 to express and define a firm policy of the United States Congress and the U.S. government regarding its relationship with the Native Hawaiian people. Two weeks ago, the Senate Committee on Indian Affairs and the House Resources Committee held joint hearings for five days in Hawaii to consider S.2899 and H.R. 4904, its companion measure.

The purpose of the measure is to clarify the political relationship that exists between Native Hawaiians and the federal government. Specifically, the measure provides the Native Hawaiian community with an opportunity to form a government-to-government relationship with the United States within the context of the U.S. Constitution and federal law. The bill provides a process for Native Hawaiians to organize a Native Hawaiian governing body, or essentially a Native Hawaiian government. The bill also authorizes the Native Hawaiian governing body to negotiate with the state of Hawaii and other appropriate officials and agencies of the federal government regarding such long-standing issues as ceded lands currently controlled by both the state and federal governments. The bill also protects education, health, and housing programs that have been established by federal law to benefit Native Hawaiians.

The bill does not relinquish the claims of Native Hawaiians to their native lands. The bill does not address the issue of lands. The bill is a beginning. It is a measure for organization. It is an act of empowerment. It gives voice to those whose voices have historically been made mute. As Senator Akaka has noted, this measure provides Native Hawaiians with a seat at the table of government. It provides authority for Native Hawaiians to define their future and participate in the process of choice. It provides Native Hawaiians with the opportunity to choose their own leaders to represent them before state and federal agencies. It assures that the United States Congress, as part of its constitutionally mandated authority, duly recognizes, accepts and acknowledges Native Hawaiians as a sovereign people in the same way that Native Americans and Native Alaskans are recognized under the U.S. Constitution.

More than 150 people presented oral testimony at the Joint Congressional Hearings in Hawaii. Many more have presented written testimony. Though some are opposed, those representing major Hawaiian organizations and associations lend their full support for the bill. The bill has been revised to reflect the input of the Native Hawaiian community.

Revisions include a clarification of purpose to provide for the reorganization of a Native Hawaiian government and for the recognition by the United States of the Native Hawaiian government for purposes of continuing a government-to-government relationship. Revisions

also authorize the United States Office for Native Hawaiian Affairs to enter into a contract with or make grants for purposes addressed in section 7 for a period of 3 years from the date of enactment of this Act. In addition, Senate and House Appointments to the Native Hawaiian Commission have been added for purposes of certifying that adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian. Findings, particularly those related to the issue of ceded lands, have been more fully clarified. Most importantly, the process has been streamlined to provide a more fluid approach to reconciliation.

I fully support the changes that have been made and I honestly believe it is time now for the Congress to correct the inequity that exists in our current process with respect to Native Hawaiians. It is time for Congress to recognize and acknowledge that Native Hawaiians, or Kanaka Maoli, are a sovereign people with the inherent rights to establish a government-to-government relationship with both the state of Hawaii and the federal government. If I could borrow the words of Black Elk, Holy Man of the Oglala Sioux, and apply them to this setting as a reminder of what I believe our responsibility to the Kanaka Maoli should be, I would simply say –

Some little root of the sacred tree still lives.
Nourish it then
That it may leaf
And bloom
And fill with singing birds!

Hear me, that the people may once again
Find the good road
And the shielding tree.

With this, Mr. Chairman, I extend my thanks to you and the other distinguished members of the Committee for hearing my testimony in behalf of my kin.